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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,799	02/12/2004	Dmitrii Andreev	END920030006US1	5834
44755 7590 09/18/2008 SHELLEY M BECKSTRAND PATENT ATTORNEY 61 GLENMONT ROAD WOODLAWN, VA 24381				
EXAMINER NAJEE-ULLAH, TARIQ S				
ART UNIT 2152		PAPER NUMBER		
MAIL DATE 09/18/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/777,799

**Applicant(s)**

ANDREEV ET AL.

**Examiner**

TARIQ S. NAJEE-ULLAH

**Art Unit**

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/13/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action has been issued in response to Applicant's Amendment filed June 13, 2008. Claims 1 and 5 are pending in the case. Claims 1 and 5 have been amended. Claims 2-4 and 6-12 have been cancelled.
2. Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Therefore, applicant's arguments relating to the cited references in the rejections of claims 1 and 5 have been considered but are moot in view of the new grounds of rejection.

### ***Response to Arguments***

3. Regarding the rejection of claim 1 under 35 U.S.C. § 102 (b), Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Therefore, Applicant's arguments relating to the cited references in the rejections of claim 1 have been considered but are moot in view of the new grounds of rejection.
4. Regarding the rejection of claim 5 under 35 U.S.C. § 103 (a), Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Therefore, Applicant's arguments relating to the cited references in the rejections of claim 5 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 7,171,473 to Eftis et al (Eftis hereinafter) in view of US Patent Application Publication Number 2002/0111942 to Campbell et al (Campbell hereinafter).

Regarding claim 1, Eftis teaches **first user downloading from said server browser executable code for initiating a chat session** (Eftis, col. 8, lines 18-33 teaches downloading an applet tied to a web page/browser; col. 8, l. 34-48; download application based on a C programming language); **said first user executing said browser executable code to display at a first browser window a chat invitation form including a header field, an instruction field, one or more fields for entering user identifiers, and a message field** (Eftis, col. 8, line 54 – col. 9, line 30; teaches use of usernames, passwords, session ID, i.e. user identifiers, and messages sent a http requests); **said first user entering to said chat invitation form one or more user identifiers including a user identifier for said second user, and optionally a message to said message field** (Eftis, col. 8, lines 54-62); **receiving at said server from said first user a request to enter chat mode with a second user** (Eftis, col. 17, lines 45-67); **receiving asynchronously at said server from said second user an HTTP request to download content from said server or any other intranet or Intranet server** (Eftis, col. 18, lines 6-19), **said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode; said server responding to said HTTP request from said second user with an HTTP response including said content modified with a chat user**

**interface to open a browser window including a header field, a messages field, and a response field, which browser window downloads a chat applet instance for execution at said second user** (Eftis, col. 8, line 54 – col. 9, line 30; teaches use of usernames, passwords, session ID, i.e. user identifiers, and messages sent a http requests); **executing said chat applet instance at said second user to instantiate a chat session between said first user and said second user** (Eftis, col. 8, lines 18-33 teaches downloading an applet tied to a web page/browser); **and establishing a persistent connection between said second browser and said server to establish a channel for message exchange between said first and second browsers** (Eftis, col. 10, lines 32-10) **with said server acting as proxy** (Eftis, col. 10, line 61-col. 11, line 7).

Eftis does not explicitly teach a second user not being an active participant or previously linked participant in a chat session. Campbell teaches **said second user not currently executing a chat applet instance and being unaware of said request from said first user to enter chat mode** (Campbell, pg. 11, par. 118; pg. 15, par. 153).

Eftis and Campbell are analogous art because they are from the same field of endeavor of interactive communication in a computer network. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Campbell's invitation system as part of Eftis' on-line communication system in a network. The suggestion/motivation would have been to allow secure interactive synchronized collaboration via a network using a web browser (Campbell, pg. 1, par. 5-7).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Eftis-Campbell as applied to claim 1 above, and further in view of US Patent Number 7,263,526 to Busey et al (Busey hereinafter).

Regarding claim 5, Eftis-Campbell teaches the limitations of claim 1 but not the further limitations of claim 5. Busey teaches **authenticating said first user to a message engine at said server to enable unicast messaging capabilities** (Busey, Fig. 6; Col. 6, lines 51-61); **and thereafter serving to said first user, in response to an asynchronous message from said first user requesting server content** (Busey, Fig. 6; Col. 6, lines 51-61), **a user interface to a collaboration tool for conveying text and/or multimedia messages with respect to said first user and an administration server** (Busey, Figs. 6, 9).

Eftis-Campbell and Busey are analogous art because they are from the same field of endeavor of managing chat functions and applications in a computer network. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Busey's embedding of chat functions in a web page as part of Eftis-Campbell's on-line communication system in a network. The suggestion/motivation would have been to overcome the limitations and inflexibility of existing HTML chat programs (Busey, Col. 2, lines 17-24).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TARIQ S. NAJEE-ULLAH whose telephone number is (571)270-5013. The examiner can normally be reached on Monday through Friday 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T. N.

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152